RECENT IMPORTANT DECISIONS.

ATTACHMENT—CONFLICTING ATTACHMENTS.—Writs of attachment were issued out of a small-cause court and levied by a constable. Two days later a writ of attachment was issued out of a circuit court and placed in the hands of a sheriff, who seized possession of the property held by the constable under the prior small-cause court writs. By the law of New Jersey a writ of attachment becomes a lien from the time of its levy. *Held,* the small-cause court writs were prior liens and the wrongful dispossession by the sheriff did not affect such priority. *Woodward et al.* v. *Lishman* (1911), — N. J. L. —, 78 Atl. 701.

It is a well-settled rule in this country that a lawful levy of a writ of attachment brings the attached property in custodia legis. DRAKE, ATTACHMENTS, § 267. Thus goods being once attached cannot be lawfully seized by another officer. *Taylor* v. *Carryl,* 20 How. 583; *Thompson* v. *Marsh,* 14 Mass. 269. Especially is this the rule when as in the principal case the second officer is acting under a conflicting jurisdiction. *Hagan* v. *Lucas,* 10 Pet. 400; for the most unseemly confusion and conflict of jurisdiction would follow the adoption of a different rule. But according to respectable authority the foregoing statement should not be taken as preventing an officer acting under a writ of another court, by giving notice to the officer in possession, from obtaining a lien on the surplus, if there is any. *Bates et al.* v. *Days,* 5 McCrary 342, 17 Fed. 167; but contra, see dictum of Justice MCLEAN in *Hagan* v. *Lucas,* supra. It would seem that, as the only apparent reasons for the rule preventing one officer from levying on goods seized by another is the necessary conflict of jurisdiction which would be produced by two officers contending for the custody of the same property, then if there was no conflict of jurisdiction or no disturbance of possession the rule should have no application to the levy of a second attachment. *Patterson* v. *Stephenson,* 77 Mo. 329. To permit subsequent attaching creditors to avail themselves of any surplus is certainly just and, as the means to such an end, to allow them to levy on the attached property is, if the prior custodianship is not disturbed, in harmony with liberal ideas of court procedure. *Gumbel* v. *Pitkin,* 124 U. S. 131. A constructive levy by the second officer is sufficient because the property is already in the hands of the law. *Leach* v. *Pine,* 41 Ill. 65. Most arguments advanced against the legality of such second levy fail to note the practical fact that there may be an effectual imposition of another writ without an actual seizure or appropriation of the property. *Watson* v .*Todd,* 5 Mass. 271; *Vinton* v. *Bradford,* 13 Mass. 114. Therefore the decision in the principal case would seem to be sound on principle and authority.

BILLS AND NOTES—LIABILITY OF ASSIGNEE OF BILL OF LADING, ATTACHED TO DRAFT, TO CONSIGNEE FOR DEFECTS IN THE GOODS.—Paul, of Muskogee, Oklahoma, shipped two cars of potatoes to plaintiff, the Central Mercantile Co., of Hutchinson, Kansas, and drew upon the consignee for the agreed price,